

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

SWAMI DIVYASWARUP DASJI,)	Civil Action Number: 6:16-cv-02287-MGL
)	
Plaintiff,)	
)	
v.)	
)	
LORETTA LYNCH, as the)	
Attorney General of the United States,)	
JEH CHARLES JOHNSON,)	
Secretary of the Department of)	
Homeland Security,)	
LEON RODRIGUEZ,)	
Director USCIS, et al.,)	
)	
Defendants.)	

**ORDER REMANDING CASE TO THE UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES (USCIS)**

This is an action for a judicial hearing on Plaintiff's Application for Naturalization (Form N-400) pursuant to 8 U.S.C. § 1447(b). Plaintiff alleges a delay by USCIS in adjudicating his application. Pursuant to § 1447(b), the court may either "determine the matter or remand the matter, with appropriate instructions" to USCIS to determine the matter.

USCIS has moved this Court to remand the case back to USCIS to adjudicate the case and issue a decision within 60 days of the date of the Court's remand. Plaintiff consents to remand.

THEREFORE, the Court hereby **ORDERS** that:

1. Plaintiff's naturalization application is REMANDED to USCIS for adjudication of, and issuance of a decision on, said application within 60 days after entry of this Order. For purposes of this Order, "adjudication of, and issuance of a decision on" is limited to the decision by USCIS on Plaintiff's naturalization application (N-400) and does not include any decision by USCIS

regarding any subsequent administrative appeal by Plaintiff, pursuant to 8 C.F.R. § 336.2, in the event the application is adjudicated negatively.

2. A Rubin Order shall be issued reserving jurisdiction to enforce the terms of the parties' settlement agreement and to award attorney's fees and costs should USCIS, in the absence of good cause, not comply with the sixty (60) day imposed deadline to render a decision on plaintiff's naturalization application. If settlement is not consummated within sixty (60) days, either party may petition the Court within thirty (30) days after the sixty days allotted to USCIS, to reinstate these claims and restore them to the calendar. Fed. R. Civ. P. 60(b)(6).

IT IS ORDERED.

s/Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

August 18, 2016
Columbia, South Carolina